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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,676	12/17/1999	THORSTEN BURGER	4120-US	9163

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MARTIN A FARBER ESQ
866 UNITED NATIONS PLAZA
SUITE 473
NEW YORK, NY 10017

EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 03/17/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/465,676

Applicant(s)

BURGER

Examiner

Temica M. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because of the following informalities: In line 6 of claim 2, "encoded encoded" should be --encoded--. Appropriate correction is required.

Response to Arguments

2. Applicant's arguments filed 12/12/2003, with respect to the rejection(s) of claim(s) 1-10 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Meier, U.S. Patent No. 6,323,566.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Meier, U.S. Patent No. 6,323,566.

Regarding claim 1, Meier discloses a method for transmitting data for a security device, in particular for access authorization systems and/or driving authorization systems of a motor vehicle comprising the steps of transmitting data over air from a transmitter unit to a receiver unit, wherein, after capacitive coupling of the transmitter unit and receiver unit, transmitting the data from transmitter to receiver using a signal which is generated by a capacitive alternating field (col. 3, line 51-col. 4, line 13, col. 4, line 60-col. 5, line 2 and col. 5, line 55-col. 6, line 66; figure 1).

Regarding claim 2, Meier discloses the method as claimed in claim 1, further comprising the steps wherein, after reception of the signal, a transmitter transmits an encoded information item to the receiver on a second wireless transmission link, which information item is compared with a predefined encoded information item in the receiver, and when said items correspond, a drive signal for the security device is output (col. 7, line 62-col. 8, line 2).

Regarding claim 3, Meier discloses the method as claimed in claim 2, wherein the second transmission link for the encoded information item is implemented by inductive coupling or radio coupling (col. 7, line 62-col. 8, line 2).

Regarding claim 4, Meier discloses a system for activating and/or deactivating a security device, in particular for access authorization systems and/or driving authorization systems of a motor vehicle, in which an encoded information item is transmitted over air between a portable transmitter and a receiver, the receiver comparing the received information item with a predefined encoded information item, and outputting a drive signal to the security device when said two information items

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correspond, wherein the receiver has a capacitive transmitter unit which generates a start signal by means of a capacitive alternating field and transmits it to the receiver unit of the transmitter (col. 3, line 51-col. 4, line 13, col. 4, line 60-col. 5, line 2 and col. 5, line 55-col. 6, line 66; figure 1).

Regarding claim 5, Meier discloses the system as claimed in claim 4, wherein the capacitive transmitter unit of the receiver is composed of a first capacitor which is operated with an alternating current generator, the transmitter comprising, for the reception of the start signal a second capacitor which, in the case of capacitive coupling between the transmitter and receiver, receives the signal generated by the transmitter unit of the receiver and passes it on to an evaluation device of the transmitter (col. 6, line 12-col. 8, line 2; figure 5).

Regarding claim 6, Meier discloses the system as claimed in claim 4, wherein, after evaluation of the start signal, the evaluation device generates an encoded information item which is transmittable from a transmitter unit of the transmitter to a receiver unit of the receiver by means of inductive coupling or far-field coupling (col. 7, line 62-col. 8, line 2).

Regarding claim 7, Meier discloses the system as claimed in claim 4, wherein the encoded information item is modulated onto a high-frequency carrier frequency which is generated by alternating current generator (col. 5, line 55-col. 6, line 12).

Regarding claim 8, Meier discloses the system as claimed in claim 5, wherein the first capacitor is formed between the outer shell of an access device and an activation device which is arranged on an outer shell of the access device (figure 1).

Regarding claim 9, Meier discloses the system as claimed in claim 5, wherein the first capacitor is formed between bodywork of the vehicle and a control element which is arranged in the interior of the motor vehicle (col. 8, lines 22-27; figure 1).

Regarding claim 12, Meier discloses the method as recited in claim 2, further comprising the step of modulating the encoded information item onto a carrier frequency of substantially 400MHz (col. 3, lines 56-61).

Regarding claim 13, Meier discloses the method as recited in claim 2, wherein said step of outputting a drive signal further comprises the step of communicating with a central locking system of a motor vehicle in order to at least one of open and close a lock on a vehicle door (col. 2, lines 1-8 and col. 2, line 63-col. 3, line 3).

Regarding claim 14, Meier discloses the method as recited in claim 2, wherein said step of outputting a drive signal further comprises the step of communicating with an immobilizer of a motor vehicle in order to at least one of activate and deactivate a drive of a motor vehicle (col. 2, line 63-col. 3, line 3).

Regarding claim 15, Meier discloses a method for transmitting data for a security device, in particular for access authorization systems and/or driving authorization systems of a motor vehicle comprising the steps of forming a capacitive coupling between a transmitter unit and a receiver unit, and transmitting the data from the transmitter to the receiver using a signal which is generated by a capacitive alternating field (col. 3, line 51-col. 4, line 13, col. 4, line 60-col. 5, line 2 and col. 5, line 55-col. 6, line 66; figure 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier.

Regarding claim 10, Meier discloses the system as claimed in claim 8 as described above. Meier, however, fails to specifically disclose, wherein, when the activation device is touched by the user, the signal which is to be detected by the second capacitor is amplified.

The examiner contends however, that at the time of invention, such a feature would have been obvious to a person of ordinary skill in the art for the purpose of increasing the chances of the signal reaching its destination.

Regarding claim 11, Meier discloses the system as claimed in claim 9 as described above. Meier, however, fails to specifically disclose, wherein, when the control element is touched by the user, the signal which is to be detected by the second capacitor is amplified.

The examiner contends however, that at the time of invention, such a feature would have been obvious to a person of ordinary skill in the art for the purpose of increasing the chances of the signal reaching its destination.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

L'Esperance et al, U.S. Patent No. 5,543,776, discloses a vehicle security system.

Farris et al, U.S. Patent No. 6,154,544, discloses a rolling code security system.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached Monday-Friday (alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Temica M. Davis
Examiner
Art Unit 2681

TMD
March 8, 2004


TEMICA M. DAVIS
PATENT EXAMINER